


B1040 (FORM 1040) (12/15)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only) <div style="font-size: 1.5em; font-family: cursive; margin-top: 5px;">19-90029-MM</div>		
<b>PLAINTIFFS</b>  Gregory Kelly (In Proper Person)	<b>DEFENDANTS</b>  Randall Mark Hickman and Virginia E. Hickman			
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.)  Gregory Kelly PO Box 7132 Tempe, AZ 85281 (480) 799-9218	<b>ATTORNEYS</b> (If Known)  <div style="text-align: right; font-size: 0.8em; transform: rotate(90deg); opacity: 0.5;">             U.S. BANKRUPTCY COURT              SO. DIST. OF CALIF.              MAR - 7 PM 2:49              FILED           </div>			
<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Other	<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Other			
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)  COMPLAINT TO DENY DISCHARGE UNDER 11 U.S.C. §727, AND FOR DECLARATORY RELIEF UNDER 28 U.S.C. §2201, et seq.				
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(1) – Recovery of Money/Property</b>  <input type="checkbox"/> 11 - Recovery of money/property - § 542 turnover of property  <input type="checkbox"/> 12 - Recovery of money/property - § 547 preference  <input type="checkbox"/> 13 - Recovery of money/property - § 548 fraudulent transfer  <input type="checkbox"/> 14 - Recovery of money/property - other   <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b>  <input type="checkbox"/> 21 - Validity, priority or extent of lien or other interest in property   <b>FRBP 7001(3) – Approval of Sale of Property</b>  <input type="checkbox"/> 31 - Approval of sale of property of estate and of co-owner - § 363(h)   <input checked="" type="checkbox"/> <b>FRBP 7001(4) – Objection/Revocation of Discharge</b>            41 - Objection / revocation of discharge - § 727(c),(d),(e)   <input type="checkbox"/> <b>FRBP 7001(5) – Revocation of Confirmation</b>            51 - Revocation of confirmation   <input type="checkbox"/> <b>FRBP 7001(6) – Dischargeability</b>  <input type="checkbox"/> 66 - Dischargeability - § 523(a)(1),(14),(14A) priority tax claims  <input type="checkbox"/> 62 - Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny   <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; 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<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <input type="checkbox"/> Check if this case involves a substantive issue of state law  <input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint         </td> <td style="width: 50%; border: none;"> <input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23            Demand \$ 32,439.40         </td> </tr> </table>			<input type="checkbox"/> Check if this case involves a substantive issue of state law <input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$ 32,439.40
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Other Relief Sought				

B1040

B1040 (Page 2) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR RANDALL MARK HICKMAN and VIRGINIA E. HICKMAN		BANKRUPTCY CASE NO. BK-18-07207-MM7
DISTRICT IN WHICH CASE IS PENDING SOUTHERN DISTRICT OF CALIFORNIA	DIVISIONAL OFFICE SAN DIEGO	NAME OF JUDGE JUDGE MARGARET M. MANN
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE MARCH 06, 2019	PRINT NAME OF ATTORNEY (OR PLAINTIFF) GREGORY KELLY	

### INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and the defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and in the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

B1040

FILED

MAR -7 PM 2:49

CLERK  
U.S. BANKRUPTCY CT.  
SO. DIST. OF CALIF.

Gregory Kelly  
PO. Box 7132  
Tempe, AZ 85281  
In Proper Person  
(480) 799-9218  
isovegas@yahoo.com

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re:	) Case No.: BK-18-07207-MM7
	)
RANDALL MARK HICKMAN and	) Chapter 7
	)
VIRGINIA E. HICKMAN	) ADV. PROCEEDING NO. _____
	)
Debtors,	) DEPT:
	)
	) JUDGE:
GREGORY KELLY,	)
	) COMPLAINT TO DENY DISCHARGE
Plaintiff,	) UNDER 11 U.S.C. §727, AND FOR
v.	) DECLARATORY RELIEF UNDER 28
	) U.S.C. §2201, et seq.
RANDALL MARK HICKMAN and	)
	) JURY TRIAL DEMANDED
VIRGINIA E. HICKMANS	)
	)
Defendants.	)
	)

Comes now, Plaintiff Gregory Kelly ("Plaintiff"), creditor of Randall Mark Hickman ("Randy") and Virginia E. Hickman ("Virginia") and collectively ("the Hickmans" or "Defendants"), the above named Debtors and Defendants, and alleges as follows:

**I. JURISDICTION AND VENUE**

1. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(I), (J) and is brought pursuant to 11 U.S.C. §523 and §727 for the purposes of Denying Defendants' Chapter 7 Discharge under 11 U.S.C. §727.

1           2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §  
2       1334 and 28 U.S.C. § 157(b).

3           3. Defendants are the Debtor's in this chapter 7 case, which was filed on December 03,  
4       2018.

5           4. The Deadline to file a complaint for determination of dischargeability is March 11,  
6       2019, so this complaint is timely, and Plaintiff is a creditor of Defendants by virtue of the  
7       following facts:

9                               **II. SPECIFIC ALLEGATIONS**

10          05. Plaintiff is a Judgment Creditor by virtue of partially paid Federal Judgment against  
11       Randy from 2017. The claim amount is \$32,439.40, as shown in Claim 1-1 on the Court Docket  
12       (Exhibit A).

14                               **III. GENERAL ALLEGATIONS**

15          06. The Hickmans have maintained unaccounted cash in the hundreds of thousands of  
16       dollars since 2011, largely drawn from the Elkins Family Living Trust ("Elkins Trust"), where  
17       Virginia is the Trustee and Beneficiary.

18          07. From December of 2011 through November of 2016, the Elkins Trust made hundreds  
19       of thousands of dollars of insider payments to Coradell Hickman ("Coradell"), Rory Mark  
20       Hickman ("Rory"), Randy, and three of Randy's corporations; National Center For Autism  
21       Research and Education, ("NCARE"), RMH Investments Group Inc. ("RMH"), and Hickman  
22       Global Initiative Inc. ("HGI").  
23

24          08. In 2015, the Elkins Trust purchased over \$100,000 of automobiles, including one for  
25       Rory, without showing the disposition of these vehicles in their bankruptcy petition.  
26  
27  
28

1           09. At the time of filing this complaint, the Hickmans have failed to produce Court  
2 Ordered Personal Tax Returns or Corporate Tax Returns for NCARE, RMH, and HGI, and a  
3 fourth Corporation, Round Table Industries (“RTI”) to Plaintiff.

4           10. At the time of filing this complaint, the Hickmans have failed to produce all of their  
5 Court Ordered Personal Bank Statements, Elkins Trust Bank Statements, and Corporate Bank  
6 Statements for NCARE, RMH, and RTI to Plaintiff.

7           11. Despite claiming to have no “non-exempt” assets, the Hickmans have continued their  
8  
9 341 meeting of creditors for this instant bankruptcy THREE times.

10           12. The Hickmans failed to list all of their debts and assets in this petition, including  
11 their cash holdings.

12           13. The Hickmans failed to list their transfers of over TWO MILLION, NINE  
13 HUNDRED THOUSAND DOLLARS (\$2,900,000) into the Elkins Trust, as well as transfers  
14 into the “Hickman Family Trust,” (“Hickman Trust”), which is purportedly administered by  
15 Coradell.  
16

17           14. Plaintiff alleges that Randy is the “de-facto” Administer of the Hickman Trust, and  
18 that Randy has provided the majority of funding for this trust.  
19

20           15. Plaintiff alleges that the Elkins Trust and Hickman Trust are not exempt from this  
21 bankruptcy, or attachment from creditors.

22           16. Plaintiff alleges that the Hickmans have hundreds of thousands of dollars being held  
23 either in cash, safe deposit boxes, casino chips, undisclosed personal, family trust or corporate  
24 bank accounts, overseas bank accounts, or insiders such as Coradell, Rory and others.  
25  
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1           17. Plaintiff alleges that NCARE, RMH, HGI, and RTI still have bank accounts, are not  
2 permanently revoked, and are therefore undisclosed corporations with respect to the Hickman's  
3 bankruptcy petition.

4           18. Plaintiff alleges that NCARE, RMH, HGI, RTI, the Elkins Trust, and the Hickman  
5 Trust have been used to hide hundreds of thousands of dollars from creditors.

6           19. Plaintiff alleges that NCARE, RMH, and HGI never had any legitimate business  
7 purpose or business transactions, and were effectively used by the Hickmans for the SOLE  
8 PURPOSE of shielding personal assets from creditors.

9           20. Plaintiff alleges that the Elkins Trust and the Hickman Trust are nothing more than  
10 personal bank accounts for Virginia and Randy, but have been effectively used by the Hickmans  
11 for the SOLE PURPOSE of shielding personal assets from creditors.

12           21. Plaintiff alleges that while RTI was a business operating in Nevada and California, it  
13 also permitted the Hickmans to make hundreds of thousands of dollars disappear through cash  
14 withdrawals, and has not filed State or Federal Tax Returns from operations.

15           22. Plaintiff alleges that NCARE, RMH, and HGI have never filed State or Federal Tax  
16 returns, throughout their existence, making it nearly impossible for creditors to see the ultimate  
17 disposition the hundreds of thousands of dollars of transfers made to these companies.

18  
19  
20  
21  
22           **IV. CAUSES OF ACTION**

23           **FIRST CAUSE OF ACTION**  
24           **(Non-Dischargeability For Concealment**  
25           **of Property Under 11 U.S.C. § 727(a)(2)(A))**

26           23. Plaintiff repeats and re-alleges Paragraphs 1-22, as fully incorporated herein.

27           24. Bankruptcy Code § 727(a)(2)(A) provides, in relevant part, that:  
28

1 (a) The court shall grant the debtor a discharge, unless —

2 (2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of  
3 the estate charged with custody of property under this title, has transferred,  
4 removed, destroyed, mutilated, or concealed, or has permitted to be transferred,  
5 removed, destroyed, mutilated, or concealed—

6 (A) **property of the debtor, within one year before the date of the filing of the  
7 petition;**

8 25. The Defendants have made hundreds of thousands of dollars of cash withdraws since  
9 2011, for which there is no final accounting.

10 26. The Defendants have made hundreds of thousands of transfers to corporate entities of  
11 Randy since 2011, which never filed State or Federal Tax Returns, and without any final  
12 accounting for these funds.

13 27. The Defendants have made hundreds of thousands of purchases in automobiles,  
14 jewelry, and other consumer goods since 2015, without disclosing a final accounting of these  
15 assets in their instant Bankruptcy Petition.

16 28. Since 2011, the Defendants have made over TWO MILLION, NINE HUNDRED  
17 THOUSAND DOLLARS (\$2,900,000) of transfers to the Elkins Trust, and Hickman Trust,  
18 without any final accounting for these transfers.

19 29. As recently as October of 2018, Defendants agreed to pay Plaintiff's \$49,385.25  
20 Judgment in an unrelated case, after paying thousands of dollars of fees to attorney Bruce D.  
21 Jaques ("Mr. Jaques").

22 30. Defendants would not have taken these actions if they were truly indigent, and have  
23 failed to disclose the amounts and source of their payments to Mr. Jaques.

24 31. Less than two months later, rather than disclose their true assets and financial  
25  
26  
27  
28

1 condition under Court Order from the Nevada District Court, Defendants chose to file Chapter 7  
2 Bankruptcy for the second time in two years.

3  
4 32. On the basis of Defendant's intentional failure to disclose their true assets  
5 Defendants' bankruptcy should be dismissed.

6  
7 **SECOND CAUSE OF ACTION**  
8 **(Non-Dischargeability For Concealment Of, Or**  
9 **Failure to Keep Records Under 11 U.S.C. §727 (a)(3))**

10 33. Plaintiff repeats and re-alleges Paragraphs 1-32, as fully incorporated herein.

11 34. Bankruptcy Code § 727(a)(3) provides that:

12 (a) The court shall grant the debtor a discharge, unless —

13 (3) the debtor has concealed, destroyed, mutilated,  
14 falsified, or failed to keep or preserve any recorded  
15 information, including books, documents, records, and  
16 papers, from which the debtor's financial condition or  
business transactions might be ascertained, unless such  
act or failure to act was justified under all of the  
circumstances of the case;

17 35. Defendants have a long history of concealing records, dating back to Randy's 2007  
18 Bankruptcy in 2007 (in this Honorable Court).

19 36. In that case, (BK No. 07-02628-LT7). Randy eventually agreed to a non-discharge,  
20 based in part, on his concealment of records, and three Adversary Complaints (including the  
21 Trustee).

22  
23 37. In 2017, after filing bankruptcy in Nevada, Defendants chose to sell their fully  
24 homesteaded \$700,000 home in Las Vegas, rather than produce Rule 2004 Subpoenaed  
25 documents to Plaintiff.  
26



1           38. In late November of 2018, rather than produce financial documents under Court  
2 Order from the Nevada District Court, Randy again chose to file Bankruptcy, to prevent  
3 disclosure of his financial information.

4           39. In the instant Bankruptcy case, Defendants have continued their 341 Meeting of  
5 Creditors THREE times, despite claims of indigence.

6           40. In the instant Bankruptcy Case, Defendants were required to deliver financial  
7 documents via Subpoenas by January 18, 2019 (Dkt. Nos. 11 and 12).

8           41. Rather than comply with the Subpoenas, Defendants chose to have their attorney file  
9 a frivolous, and legally infirm "Motion to Quash," for the sole purpose of thwarting Plaintiff's  
10 Adversary Complaints.  
11

12           42. This Honorable Court upheld Plaintiff's Subpoenas on February 28, 2019, but  
13 Defendants have not complied.  
14

15           43. At the time of filing this Complaint, Defendants have failed to produce any of the  
16 subpoenaed documents which were not already disclosed to them by Plaintiff.  
17

18           44. At the time of filing this Complaint, Defendants are requesting an additional four  
19 weeks to comply with the Subpoenas, without any explanation for their non-compliance.

20           45. At the time of filing this Complaint, Defendants' attorney refuses to provide written  
21 acknowledgment that Defendants are non-compliant with Court Ordered Subpoenas.  
22

23           46. At the time of filing this Complaint, Defendants' original attorney is attempting to  
24 remove himself from his representation of Defendants at a Rule 2004 Examination on March 08,  
25 2019.  
26  
27  
28

1           47. On the basis of Defendants' long history of refusing to provide financial documents,  
2 and refusal to follow Court Orders in different jurisdictions, their bankruptcy should be  
3 dismissed.

4                                   **THIRD CAUSE OF ACTION**  
5                                   **(Non-Dischargeability For False Oaths**  
6                                   **or Accounts Under 11 U.S.C. §727 (a)(4)(A))**

7           48. Plaintiff repeats and re-alleges Paragraphs 1-47, as fully incorporated herein.

8           49. Bankruptcy Code § 727(a)(4)(A) provides that:

9                               (a) The court shall grant the debtor a discharge, unless —

10                              (4) the debtor knowingly and fraudulently, in or in  
11                              connection with the case —

12                              **(A) made a false oath or account**

13           50. Defendants' instant Bankruptcy Petition was rife with false oaths and accounts from  
14 its initial filing, and despite two amendments, can never be cured.

15           51. At the time of their bankruptcy filing, Defendants were fully aware that they were  
16 not listing their proper assets and debts, just as they did in their 2017 Nevada Bankruptcy and  
17 2007 California Bankruptcy (Randy only).

18           52. Despite years of subpoenaed bank records obtained by Plaintiff, Defendants have  
19 continued to maintain, in two different Bankruptcy filings, that they survive on a mere \$1,460 of  
20 monthly Social Security Income, rather than the hundreds of thousands of dollars in cash they  
21 withdrew from the Elkins Trust, Randy's Corporations, and Virginia's personal accounts from  
22 2011-2017.

23           53. Plaintiff alleges that Defendants are in control of hundreds of thousands of cash  
24 withdraws since 2011, which were not disclosed on their petition.  
25  
26  
27  
28

1           54. Plaintiff alleges that Defendants have control of over a hundred thousand dollars of  
2 assets, which were not disclosed on their petition.

3           55. Plaintiff alleges that Defendants have cash, casino chips, safe deposit boxes, overseas  
4 bank accounts, corporate bank accounts, or third parties holding assets, which were not disclosed  
5 on their petition.  
6

7           56. Plaintiff alleges that the Elkins Trust, and Hickman Trust, have received over TWO  
8 MILLION, NINE HUNDRED THOUSAND DOLLARS, (\$2,900,000) of transfers from  
9 Defendants since 2011, which were not disclosed on their petition.  
10

11           58. Plaintiff alleges that Defendants have failed to disclose their true debts and assets,  
12 and only do so when confronted with evidence that they have attempted to hide from the  
13 Bankruptcy Court.

14           59. Plaintiff alleges that Defendants have bank accounts, either personal, trust, or  
15 corporate, which were not disclosed on their petition.  
16

17           60. Plaintiff alleges that Dkt. No. 1, page 6, Part 6, line 19 is false, as it vastly  
18 understates Defendants' assets, that Defendants were aware of this at the time of filing their  
19 petition, and Defendants intentionally filed a false petition.  
20

21           61. Plaintiff alleges that Dkt. No. 1, page 6, Part 6, line 20 is false, as it vastly  
22 understates Defendants' liabilities, that Defendants were aware of this at the time of filing their  
23 petition, and Defendants intentionally filed a false petition.

24           62. Plaintiff alleges that Defendants were well aware of their \$300,000 Debt to the Estate  
25 of Patricia J. Ritchie, but chose not to list it in their 2017 or 2018 Chapter 7 Bankruptcies,  
26 because they didn't anticipate a collection action.  
27  
28

1           63. Plaintiff alleges that Dkt. No. 1, page 8, Part 1, lines 1b and 1c are false, as they  
2 vastly understate Defendants' assets.

3           64. Plaintiff alleges that Dkt. No. 1, page 8, Part 2, line 3b is false, as it vastly  
4 understates Defendants' liabilities.

5           65. Plaintiff alleges that Dkt. No. 1, page 8, Part 3, line 5 is false, as it vastly understates  
6 Defendants' monthly expenses.

7           66. Plaintiff alleges that Dkt. No. 1, page 8, Part 7, line 5 is false, as Defendant's  
8 liabilities were mostly debts originating from business loans, and not consumer debts.

9           67. Plaintiff further alleges that Defendants intentionally misrepresented their debt to  
10 prevent discovery of Randy's four revoked Corporations (NCARE, RMH, HGI and RTI).

11           68. Plaintiff alleges that Dkt. No. 1, page 10, Part 2, line 3 is false, as Defendants own  
12 one or more automobiles, currently titled to a third Party.

13           69. Plaintiff alleges that Dkt. No. 1, page 10, Part 3, line 6 is false, as the value of  
14 Defendants' household furnishings is worth more than \$ 3,000.

15           70. Plaintiff alleges that Dkt. No. 1, pages 10/11, Part 3, line 7 is false, as the value of  
16 Defendants' electronics is worth more than \$ 300.

17           71. Plaintiff alleges that Dkt. No. 1, page 11, Part 3, line 12 is false, as the value of  
18 Defendants' jewelry is worth more than \$ 500.

19           72. Plaintiff alleges that Dkt. No. 1, page 12, Part 4, line 17 is false, and that Defendants  
20 have undisclosed bank accounts not listed on their Bankruptcy Petition.

1 73. Plaintiff alleges that Dkt. No. 1, page 12, Part 4, line 25 is false, and that Defendants  
2 are the administrators, de-facto Trustees, and beneficiaries of the Elkins Trust and Hickman  
3 Trust.

4 74. Plaintiff alleges that Dkt. No. 1, page 13, Part 4, line 30 is false, and that Defendants  
5 are owed money by third parties.

6 75. Plaintiff alleges that Dkt. No. 1, page 13, Part 4, line 32 is false, and that Defendants  
7 are the beneficiaries of the Elkins Trust and Hickman Trust.

8 76. Plaintiff further alleges that Defendants have received hundreds of thousands of  
9 dollars in distributions from the Elkins Trust and Hickman Trust, and deliberately falsified their  
10 bankruptcy petition.  
11

12 77. Plaintiff alleges that Dkt. No. 1, page 13, Part 4, line 33 is false, and that Defendants  
13 have no legal claims against Gregory Kelly (Plaintiff).

14 78. Plaintiff further alleges that Dkt. No. 1, page 13, Part 4, line 33 mentions Plaintiff's  
15 name purely for the purposes of intimidation and harassment.

16 79. Plaintiff alleges that Dkt. No. 1, page 13, Part 4, lines 35 and 36 are false, and that  
17 Defendants have not listed all of their assets.

18 80. Plaintiff alleges that Dkt. No. 1, page 14, Part 5, lines 37, 38, 39, 40, 41, 42, 43, 44,  
19 and 45 are false, and that Defendants have undisclosed assets from NCARE, RMH, HGI, and  
20 RTI.  
21

22 81. Plaintiff further alleges that NCARE, RMH, HGI, and RTI have not been  
23 permanently revoked by the State of Nevada, have never filed final tax returns, and should have  
24 been properly disclosed in Defendants' Bankruptcy Petition as assets.  
25  
26  
27  
28

1 82. Plaintiff alleges that Dkt. No. 1, page 15, Part 8, lines 56, 57, 58, 59, 61, 62, and 63  
2 are false, and that Defendants have not disclosed all of their assets.

3 83. Plaintiff alleges that Dkt. No. 1, pages 16 and 17 (Schedule C) are false with respect  
4 to Defendants' alleged possessions, bank accounts, and Claims against Plaintiff on line 2.

5 84. Plaintiff alleges that Dkt. No. 1, page 22, Part 2, line 4.8 is false, and that the correct  
6 amount owed to Gregory Kelly, (via docketed judgment) is \$49,385.25.  
7

8 85. Plaintiff alleges that Dkt. No. 1, page 22, Part 4, lines 6i and 6j are false, and that the  
9 Defendants owe significantly more money than listed on their petition.

10 86. Plaintiff alleges that Dkt. No. 1, page 24, line 2 is false, as Defendants clearly lived  
11 in a Community Property State at the time of filing their petition, and for many years earlier.  
12

13 87. Plaintiff alleges that Dkt. No. 1, pages 27 – 28, (Schedule J) is false, and that  
14 Defendants have significantly higher monthly expenses than listed in their petition.

15 88. Plaintiff alleges that Dkt. No. 1, page 31, Part 3, line 6 is false, as Defendants' debts  
16 were primarily business debts and not consumer debts.  
17

18 89. Plaintiff further alleges that Dkt. No. 1, page 31, Part 3, line 6 is false, because  
19 Defendants, or a third party working on their behalf, paid more than \$ 600 to attorney Bruce D.  
20 Jaques and Move 4 Less Storage in Nevada within 90 days of filing their bankruptcy petition.

21 90. Plaintiff further alleges that Defendants have refused to provide documentation of  
22 these transactions to Plaintiff, despite Court Ordered Subpoenas.  
23

24 91. Plaintiff alleges that Dkt. No. 1, page 32, Part 5, line 13 is false, and that Defendants  
25 have gifted assets of \$ 600 or more within two years of filing bankruptcy.  
26  
27  
28

1 92. Plaintiff alleges that Dkt. No. 1, page 33, Part 7, line 16 is false, as Defendants paid \$  
2 15,000 to the Dias Law Group in April of 2018 for services related to their 2017 Nevada  
3 Bankruptcy.

4 93. Plaintiff alleges that Dkt. No. 1, page 33, Part 7, line 17 is false, as Defendants paid  
5 thousands of dollars to attorney Bruce D. Jaques in 2018 to negotiate a \$49,385.25 Confession of  
6 Judgment to Plaintiff in Clark County District Court Case No. A-18-779920-C.  
7

8 94. Plaintiff further alleges that Defendants claimed to have the ability to pay this  
9 Judgment by October 10, 2018, which is in stark contrast to their instant bankruptcy petition.  
10

11 95. Plaintiff alleges that Dkt. No. 1, page 33, Part 7, line 18 is false, as Defendants have  
12 transferred property to Coradell and Rory within 2 years of filing bankruptcy.

13 96. Plaintiff alleges that Dkt. No. 1, page 34, Part 7, line 19 is false, as Defendants have  
14 transferred over TWO MILLION, NINE HUNDRED THOUSAND DOLLARS (\$2,900,000) to  
15 the Elkins Trust within 10 years of filing bankruptcy.  
16

17 97. Plaintiff alleges that Dkt. No. 1, page 34, Part 8, line 21 is false, and that Defendants  
18 have undisclosed safe deposit boxes, being held in the name of third parties or trusts.

19 98. Plaintiff alleges that Dkt. No. 1, page 35, Part 11, line 27 is false, and that  
20 Defendants should have listed NCARE, RMH, and HGI in addition to RTI.  
21

22 **FOURTH CAUSE OF ACTION**  
**(Declaratory Relief Under 28 U.S.C. § 2201, et seq.)**

23 99. Plaintiff repeats and re-alleges Paragraphs 1-98, as fully incorporated herein.  
24

25 100. As properly alleged in Paragraphs 1-98, Defendants are not entitled to a Chapter 7  
26 discharge of any debts.  
27  
28

1 101. Defendants dispute these contentions, despite the overwhelming, documented  
2 evidence against them.

3 102. Plaintiff is entitled to a declaratory judgment against Defendants under 28 U.S.C. §  
4 2201, et seq., finding, concluding, and adjudging that Plaintiff is entitled to all prayers for relief.  
5

6 **V. PRAYER FOR RELIEF**

7 **WHEREFORE**, Plaintiff prays for judgment as follows:  
8

9 1. With respect to the First Cause of Action, an Order that Defendants' bankruptcy is  
10 non-dischargeable pursuant to 11 U.S.C. §727 (a)(2)(A).

11 2. With respect to the Second Cause of Action, an Order that Defendants' bankruptcy is  
12 non-dischargeable pursuant to 11 U.S.C. §727 (a)(3).

13 3. With respect to the Third Cause of Action, an Order that Defendants' bankruptcy is  
14 non-dischargeable pursuant to 11 U.S.C. §727 (a)(4)(A).  
15

16 4. With respect to the Fourth Cause of Action, an Order entering judgment for Plaintiff  
17 and granting declaratory relief under 28 U.S.C. § 2201, et seq., including, without limitation, that  
18 Plaintiff's \$300,000 Claim is non-dischargeable.

19 5. An Order granting reasonable attorney fees, costs, expenses, and any other equitable  
20 relief that the Court deems just and proper.  
21

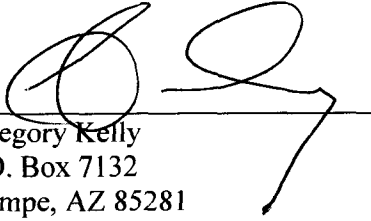
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1 Dated this 6th day of March, 2019.

2  
3 PREPARED AND SUBMITTED

4  
5 BY:

6   
7 Gregory Kelly  
8 PO. Box 7132  
9 Tempe, AZ 85281  
10 (480) 799-9218  
11 In Proper Person  
12  
13  
14  
15  
16  
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27  
28

# EXHIBIT A

Fill in this information to identify the case:

Debtor 1 Randall Mark Hickman

Debtor 2 Virginia E. Hickman  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of California

Case number 18-07207-MM7

FILED  
ENTERED  
LODGED  
RECEIVED

DEC 10 2018

CLERK, U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY LL DEPUTY

## Official Form 410

## Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

## Part 1: Identify the Claim

1. Who is the current creditor?	<u>Gregory Kelly</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?  <u>Gregory Kelly</u> Name <u>PO Box 7132</u> Number Street <u>Tempe</u> <u>AZ</u> <u>85281</u> City State ZIP Code Contact phone <u>(480) 799-9218</u> Contact email <u>isovegas@yahoo.com</u>	Where should payments to the creditor be sent? (if different)  <u>Gregory Kelly</u> Name <u>PO Box 7132</u> Number Street <u>Tempe</u> <u>AZ</u> <u>85281</u> City State ZIP Code Contact phone <u>(480) 799-9218</u> Contact email <u>isovegas@yahoo.com</u>
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

se-7207 Doc 9D

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

<b>6. Do you have any number you use to identify the debtor?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
<b>7. How much is the claim?</b>	\$ <u>32,439.40</u> <b>Does this amount include interest or other charges?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
<b>8. What is the basis of the claim?</b>	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.  <u>Unpaid balance on Federal Judgment</u>
<b>9. Is all or part of the claim secured?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.  <b>Nature of property:</b> <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  <b>Value of property:</b> \$ _____ <b>Amount of the claim that is secured:</b> \$ _____ <b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)  <b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____  <b>Annual Interest Rate (when case was filed)</b> <u>1.22</u> % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable
<b>10. Is this claim based on a lease?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
<b>11. Is this claim subject to a right of setoff?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ \_\_\_\_\_

☐ Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/07/2018  
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name Gregory Kelly  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address PO Box 7132  
Number Street

Tempe AZ 85281  
City State ZIP Code

Contact phone (480) 799-9218 Email isovegas@yahoo.com

# **EXHIBIT A**

(Registration of Judgment in Nevada)

AO 451 (Rev. 12/12) Clerk's Certification of a Judgment to be Registered in Another District

**17-MS-79**

**UNITED STATES DISTRICT COURT**

for the  
Southern District of New York

GREGORY KELLY

*Plaintiff*

v.

RANDALL MARK HICKMAN

*Defendant*

Civil Action No. 1:17-cv-2392-GHW

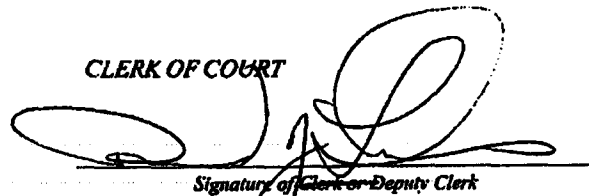
**CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT**

I certify that the attached judgment is a copy of a judgment entered by this court on (date) 7/24/2017.

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court, the time for appeal has expired, and no appeal has been filed or, if one was filed, it is no longer pending.

Date: Aug 25, 2017

CLERK OF COURT



Signature of Clerk or Deputy Clerk

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP - 6 2017	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 07/24/2017

GREGORY KELLY,

Plaintiff,

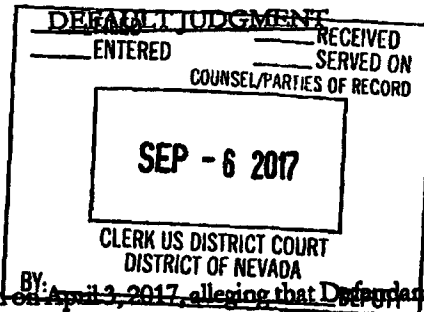
-v-

RANDALL MARK HICKMAN,

Defendant.

17-MS-79

1:17-cv-2392-GHW



GREGORY H. WOODS, United States District Judge:

Plaintiff Gregory Kelly filed a complaint in this action on April 3, 2017, alleging that Defendant

Randall Mark Hickman breached a contract between the parties. Dkt. No. 1. Defendant was personally served with the summons and complaint in this action on April 17, 2017, and proof of service was filed with the Court on May 12, 2017. Dkt. No. 9. Mr. Hickman, an individual, is neither an infant, nor an incompetent, nor a member of the United States military. Dkt. No. 22, Kelly Aff. in Supp. of Default Judgment. Despite proper service of the summons and complaint, Defendant has not appeared and has failed to answer the complaint, and the time for Defendant to answer the complaint has expired.

For the reasons stated on the record during a hearing held on July 21, 2017, IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff have judgment against Defendant in the liquidated amount of \$100,000.00 plus daily interest at 5% from February 1, 2016 through February 10, 2016 amounting to interest of \$50,000.00, plus costs and disbursements of this action in the amount of \$458.00 amount in all to \$150,458.00; and it is further

ORDERED that this judgment constitutes a final judgment as to all claims asserted in this action by Plaintiff against Defendant.



Plaintiff is directed to serve this order on Defendant.

The Clerk of Court is directed to mail both Plaintiff and Defendant a copy of this order by certified mail and to close this case.

SO ORDERED.

Dated: July 24, 2017  
New York, New York

  
\_\_\_\_\_  
GREGORY H. WOODS  
United States District Judge

A CERTIFIED COPY  
RUBY J. KRAJICK, CLERK

BY

  
Deputy Clerk

# **EXHIBIT B**

(Accounting of Debt as of Petition Date)

**ACCOUNTING FOR DEBT OWED BY RANDALL MARK HICKMAN  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
CASE NUMBER 2:17-cv-02049-APG PAL**

<u>Date</u>	<u>Amount</u>	<u>Daily Interest</u>	<u>Days</u>	<u>Interest</u>	<u>New Costs</u>	<u>Payments</u>	<u>Balance</u>
07/24/17	\$150,458.00	\$ 5.029	0	\$ 0	\$ 0	\$ 0	\$ 150,458.00
09/11/17	\$150,458.00	\$ 5.029	49	\$ 246.42	\$ 47**	\$ 0	\$ 150,751.42
09/19/17	\$150,751.42	\$ 5.039	8	\$ 40.31	\$ 283.95*	\$ 0	\$ 151,075.68
05/01/18	\$151,075.68	\$ 5.05	224	\$ 1,131.20	\$ 0	\$120,000	\$ 32,206.88
12/03/18	\$ 32,206.88	\$ 1.076	216	\$ 232.52	\$ 0	\$ 0	\$ 32,439.40

**NEW COST LEGEND**

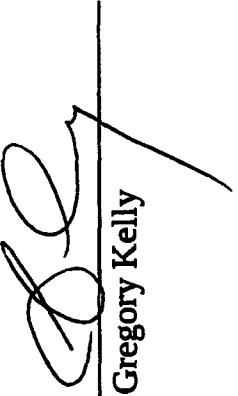
\* WRITS OF EXECUTION

\*\* REGISTRATION OF FOREIGN JUDGMENT

Interest is calculated at 1.22 percent annually.

Pursuant to Bankruptcy Rule 3001 (c), I verify this is the true and correct amount owed by Debtor as of 12/03/18.

Dated 12/07/18

  
\_\_\_\_\_  
Gregory Kelly